

August 1, 2023

The Honorable Jesse M. Furman  
United States District Judge for the Southern District of New York  
Thurgood Marshall Courthouse  
40 Centre Street, Room 2202  
New York, NY 10007

Re: *Golden Unicorn Enterprises., Inc., et al. v. Audible, Inc.*, 1:21-cv-7059-JMF

Your Honor:

The parties write to request the Court's approval of a procedure for moving to redact Supplemental Briefing on Audible's Motion for Summary Judgment, which the Court has ordered. *See* ECF No. 280. In their briefs, the Parties may refer to information that Audible designated as "confidential" or "highly confidential" pursuant to the parties' Protective Order (ECF No. 44). Because the parties are still preparing their briefs, they do not know precisely which record materials they will cite.

On August 1, 2023, Plaintiffs notified Audible that they may refer to material from confidential and/or highly confidential documents that remain under seal, and the parties agreed on the below procedure, which is similar to the one the Court approved for class certification briefing, Audible's motion for summary judgment, the parties' motion to exclude expert testimony, and Audible's Renewed Motion for Spoliation Sanctions. *See* ECF Nos. 127, 136, 161, 174, 183, 254.

- **August 4, 2023:** Plaintiffs will file their Supplemental Brief in Opposition to Audible's Motion for Summary Judgment. If the brief contains any confidential or highly confidential information, then Plaintiffs will file the brief under seal. If the confidential/highly confidential information include information by Plaintiffs, then Plaintiffs will file a motion to seal or redact that information.
- **August 11, 2023:** Audible will file any letter-motion to redact its information and send Plaintiffs any highlighted/redacted brief.
- **August 14, 2023:** Plaintiffs will file a public and redacted version of the brief along with a sealed version with highlights for proposed redactions.
- **August 18, 2023:** Audible will file its Supplemental Brief in Support of its Motion for Summary Judgment. If the brief contains any confidential or highly confidential information, then Audible will file the brief under seal. If the confidential/highly confidential information include information designated by Audible, then Audible will file a motion to redact that information.
- **August 25, 2023:** Plaintiffs will file any letter-motion to redact their information and send Audible any highlighted/redacted brief.

- **August 28, 2023:** Audible will file a public and redacted version of its brief along with a sealed version with highlights for proposed redactions.

The parties respectfully request that the Court grant the parties' proposal to allow the parties sufficient time to review and justify their needs to redact their briefs.

Respectfully Submitted,

/s/ Christopher R. Bagley

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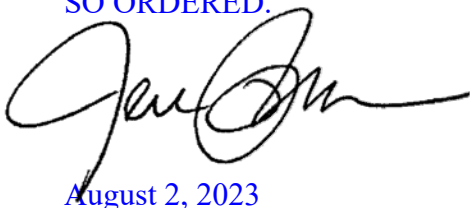
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Application GRANTED. The Clerk of the Court is directed to terminate  
ECF No. 281.

SO ORDERED.



August 2, 2023